

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, **August 18th, 2004.**

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman
Leg. Michael Caracciolo
Leg. David Bishop
Leg. Peter O'Leary

ALSO IN ATTENDANCE:

Leg. Brian Foley, Seventh District
Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Jim Spero, Director of Budget Review Office
Kevin Duffy, BRO
Charlie Bender, PO Aide
Kevin La Valle, Aide to Leg. Losquadro
Eric Brown, Aide to Leg. Schneiderman
Lisa Keyes, Aide to Leg. Caracciolo
Kelly Platt
Charla E. Bolton
Richard Amper
Kevin McDonald
Chris Fasano
Thomas Isles, Director of Department of Planning
Lauretta Fisher, Department of Planning
Michael Kaufman, CEQ

Joe Gergela

Chris O'Connor

Tom Hroncich, Parks Department

MINUTES TAKEN BY:

Diana Kraus, Court stenographer

(THE MEETING WAS CONVENED AT 1:18 PM)

CHAIRMAN LOSQUADRO:

Good afternoon. I call the meeting of Environment, Planning and Agriculture to order. I apologize for the brief delay. We'll begin with the Pledge of Allegiance led by Legislator Bishop.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Thank you. Thank you. Legislator Schneiderman is here. Hold on one moment.

We'll begin with the public portion. I have a number of cards. The first speaker is Kelly Platt. Please, make sure the microphone is turned on.

MS. PLATT:

It's on. My name Kelly Platt. And I reside in Center Moriches. I'm here in reference to resolution 1239•04. This is Suffolk County Open Space and Farmland Preservation Fund. I just want to let you know that I am in support of this preservation fund. I feel that preserving open space we have left is very important to myself, to the residents of Suffolk County and also to the children of tomorrow, which you can see my children are sitting in the audience. They are my children of tomorrow. And they are our future leaders in preserving open space. I believe this is the most important thing that we have to look forward to for the future. So, I am saying that I am in support of this. And I'm hoping that today and in the future where we have vote on with the full Legislature that this does pass and this will be on the November ballot and we can vote and pass this. Thank you.

CHAIRMAN LOSQUADRO:

Thank you, Kelly.

Next speaker Charla •• hold on one moment. Where is that?

MS. BOLTON:

I'm on the agenda ••

CHAIRMAN LOSQUADRO:

Yes.

MS. BOLTON:

•• as Charles.

CHAIRMAN LOSQUADRO:

Right, I know. I had changed it. 1771.

MS. BOLTON:

That really is a mis•print.

CHAIRMAN LOSQUADRO:

Yes.

MS. BOLTON:

I'm appearing at the request of the County Executive's Office, I believe, at this committee.

CHAIRMAN LOSQUADRO:

Usually when the bill comes before us we would ask the Legislators if they have any questions. This is usually not a question and answer period. If you just want to make a quick statement, that's fine. I will reserve any questions we may have when the bill comes up, though.

MS. BOLTON:

And when would that be?

CHAIRMAN LOSQUADRO:

As soon as we get into the agenda, when the public portion is finished.

MS. BOLTON:

Oh, I see.

CHAIRMAN LOSQUADRO:

We'll just be a little while.

MS. BOLTON:

Well, I think I'll reserve any of my questions for then, also.

CHAIRMAN LOSQUADRO:

That would be fine. We'll speak to you in just a moment. Next speaker Richard Amper.

MR. AMPER:

I'm here today in my capacity as Executive Director of the Long Island Pine Barrens Society to support 1239. I know there's been some discussion among the people in the County Executive's Office and in the Legislature about the need for affordable housing and the role of the transferable developmental rights in that connection. We're fully supportive of that. We're working in partnership with the Long Island Association to use every device possible to advance affordable housing but think that with the LIA and the Pine Barrens Society that we're focussed exclusively in the \$75 million bond act on open space preservation drinking water protection. We think it confuses the public if we say we're trying to protect drinking water, preserve open space and develop some more. That's not exactly what we should do here. If we do down the road need a separate provision or a separate referendum on that, we'd be prepared to support that sort of thing. It's something that was not just for development but focussed affordable housing that the community clearly needs.

The other thing that I'm here to talk about, and again very briefly, is that we have been advocating that the Legislature deal with the appointment of Edwin Tuccio to the Suffolk County Planning Commission. If appointed he would be by far the most qualified member of that Commission in terms of his background, his commitment to the environment, his understanding of real estate, and his ongoing willingness as a landowner to part with his own property for preservations. He's got a good record. Exactly what should happen •• I think, this has gotten

more political than it should have. I think as you've heard me say before, that I think the environment should not be made political. And I think that the Supervisors ought to be able to select the people who they want to serve on the Planning Commission. There are others that will come before you. And you have individual Legislators whom I know you respect; but again these are not legislative appointees. They are supposed to be appointed by the executives of those towns. And I think it would be wrong for the Legislature to intervene absent some showing of malfeasance or nonfeasance on the part of these folks. So, I hope that you will •• his particular nomination was tabled subject to call. And I would hope that this committee would at least give the Legislature a chance to review this man's credentials and capacity to serve.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Caracciolo, do have a comment?

LEG. CARACCIOLO:

Well, my comment relates to 1239.

Dick, is it your understanding that there is a unanimity among the environmental organizations behind 1239 and not some other variation that may •• somebody may attempt to surface next Tuesday.

MR. AMPER:

Yes, that's correct. And I'm glad that you posed that question. This is really the way to do this. And even those folks who have been very at the fore front of using the transferable development rights and promoting affordable housing agree we should not be mixing apples and oranges. This is the one that we want to support, put on the ballot and so forth. Clearly we're all committed down the road to using TDR's. They were championed in the Pine Barrens legislation. We believe in them. They can work. There is probably no greater challenge facing Suffolk County than work force Housing. And that includes the environment. But the environmental community has agreed with the Long Island Association and everybody in this Legislature and at the County's Executive's Office that 1239 as it's written is the way to proceed.

LEG. CARACCIOLO:

Okay, so the environmental community is speaking. I know the farm community is speaking

with one voice.

MR. AMPER:

That's correct. We are supportive of your resolution.

LEG. CARACCILO:

It was related to me a couple of weeks ago that there were •• I'll call them behind•the•scenes conversations because I wasn't involved in them, with other Legislators and certain representatives of other groups. And I didn't know if that included environmental organizations.

MR. AMPER:

Environmental organizations have been asked by people both in the legislative and executive branch side how they want to reconcile the need for affordable housing with open space preservation. We think they need to go simultaneously but in different forums. Your legislation is the legislation we're all supporting. And even though the most ardent supporters of transferring development rights agree that they can be done under the Multifaceted Program immediately and down the road if we need to have some referendum put in front of the public to make a greater •• even greater commitment to work force housing that we can all join that. But for the moment, the action item that is of greatest importance to Suffolk County is 1239. It's your resolution.

LEG. CARACCILO:

Thank you. It's actually my resolution and Legislator Vilorio Fisher's resolution as well as others including now Legislator Losquadro, Legislator Foley. And let me just mention that as you are well aware, these resolutions, the one that she's sponsored for open space, the one that I initially sponsored for farmland preservation, they've been before the Legislature since January. If there were •• I mean there was more than ample time and opportunity for those who wanted to see a TDR component to come forward, speak to the sponsors and try to incorporate that into some legislation. That didn't happen until our last meeting. So, I thank you for the clarity and the fact that you have stated what was always my understanding that there was unanimity in the environmental ••

MR. AMPER:

There's absolutely no question. And the way that you have reconciled the farmland bill and the SOS bill work out fine. There's no question about the balance or how much is being spent on farmland versus other open space and so forth. We think it's a good sound package. We think put in front of the public that they will affirmatively for it and that we'll all be the beneficiary of it.

LEG. CARACCILO:

Thank you.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Amper.

LEG. FOLEY:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Legislator Foley.

LEG. FOLEY:

Mr. Amper, I just have a •• Dick, I just have a question to follow up, if I may. I'm glad to see that there's such strong support for 1239.

I just wanted to address, Mr. Chairman, for a moment another issue that •• Mr. Chairman, I just wanted to address another issue that Mr. Amper had briefly discussed. And that is Riverhead's appointment to the Suffolk County Planning Commission. You mentioned about the outstanding qualities that Mr. Tuccio has. There's some misunderstanding amongst some within the Legislature that because a second name has been submitted by Riverhead, another outstanding person, Vince Taldone, who I had also appointed to the Transportation Advisory Board, has done a wonderful job, but there is this •• I call it a misunderstanding that with the second name being forwarded, that that's a compromised appointment. And if you can just through the understanding of the Chair, it's my understanding that the preference of the Supervisor card now is still to see the Tuccio appointment move forward; is that not correct?

MR. AMPER:

Yes, having talked to the Supervisor in the last 24 hours and to the County Executive's Office,

and Mr. Zwirn may be helpful as well on this, the Supervisor was misinformed that this Legislature had defeated •• that is had rejected the application or the recommendation of Mr. Tuccio. And was then asked on that basis who would they advance if he had been rejected. It is still their preference; that is who they're behind, that is who the Riverhead Town Supervisor has conveyed both to the Legislature and to the County Executive's office they'd like to see confirmed.

LEG. FOLEY:

Thank you, Mr. Chairman. Thank you, Dick.

CHAIRMAN LOSQUADRO:

Do you have a comment? Dick, if I may ••

LEG. CARACCILO:

No, it's not a question for Dick. It's just to, you know, make sure the record is ••

CHAIRMAN LOSQUADRO:

I just wanted to make one point, also. And it's something •• and I sort of apologize at the late date, but one of the things I was not clear on, was that the •• as we had with Miss Greci, which is still a matter that is currently being hashed out, if you will, that the East Hampton Town Board did pass a resolution showing their support. I had just assumed that the same was in place in Riverhead. But unfortunately there is not. Do you know •• can you •• I know you've been in contact with Supervisor Cardinale. Could you just comment on that?

MR. AMPER:

Yeah. And the answer is ••

CHAIRMAN LOSQUADRO:

Could they get a resolution?

MR. AMPER:

The answer is historically the Supervisor makes the recommendation and the County Executive puts it forward. With the exception of some ethical violation or some other transgression, I know of no case when this Legislature has turned down the appointment of anybody from H. Lee Dennison to Robert Gaffney. The Supervisor makes the recommendation. That's what it's called, a recommendation. Then the Legislature •• the County Executive puts it forward and

the Presiding Officer guides it through the process. I've never seen it be political. I never before seen the Legislature say in deference to a specific County Legislator or to any political person that we're not going to accept the Supervisor's appointment. It would be as though the County Executive somehow or other rejected the appointment of somebody in government that was appointed by the Presiding Officer. It's an executive branch appointment. And I can really •• with the exception of, really close to high crimes and misdemeanors, I can think of no time when this Legislature ever denied the County Executive the right to bring forward the Supervisor's appointment. It's not a Town Board appointment. It's a Supervisor's appointment. And I think we're really approaching once again as we were in the case of the proposed Binder bill where this Legislature was considering taking responsibility for managing the Real Estate Department, we're getting a little strange on the separation of powers. This is an executive branch appointment. And it's always been. And I've never known the Legislature not to support it.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Caracciolo. We're trying to ••

LEG. CARACCILOLO:

It's not a question. It's just a comment for the record. Mr. Tuccio's resolution was sponsored •
• was before the Legislature, did not receive a second at the March meeting. The question I have for counsel, when a resolution and a motion to approve is made and there is no second, what is the result of that action or inaction?

MS. KNAPP:

The resolution is said to fail. That is just very slightly misleading because when it fails in committee, it remains alive until the six month rule ••

LEG. CARACCILOLO:

No, this failed on the floor of the Legislature.

MS. KNAPP:

Oh, it failed on the floor of the Legislature?

LEG. CARACCILOLO:

It failed on the floor of the Legislature.

MS. KNAPP:

Then the resolution ••

LEG. CARACCILOLO:

Then it is a failed resolution. And that's why, Dick, for your benefit, why Mr. Cardinale was advised the resolution was a failed resolution.

MR. AMPER:

I understand. And his request to the Legislature and to the County Executive's Office is that inasmuch as he believes that it was tabled subject to call, that's his interpretation ••

LEG. CARACCILOLO:

That's presently.

MR. AMPER:

•• under any circumstances •• okay •• that indeed, that he's asking you to put it back to the floor. And that there is, in fact, a petition as well circulating. It can be done by whatever mechanism you want. But I think •• I think we're not facing the •• a difficulty in overcoming the procedural capacity to confirm him. I think it's a political problem that we haven't overcome. And that's what we're urging; you to try to put your heads together to do. I don't think there's a •• I think Counsel will tell you there's no procedural obstacle to resurrecting that appointment. It's a question of the disposition of this Committee in the first place; and the Legislature in the second place to do it. And we're urging you to do that. One of the things that we've gotten together better on in the last year than ever before is taking politics out of, at least, the environment. And we think when you got political leaders or people who are doing favors for one another on this horseshoe, interfering with the preference of a Supervisor who's charged with making an appointment to the Planning Commission, that you ought to be a little bit more cooperative and a little bit less partisan. That's our position. We're just advising. You work here.

CHAIRMAN LOSQUADRO:

Okay. Thank you.

LEG. FOLEY:

Mr. Chairman, just let the record reflect again that this bill is in Committee. While it did die on the floor back in the springtime, it was resubmitted ••

CHAIRMAN LOSQUADRO:

We understand that.

LEG. FOLEY:

•• has a table subject to call. So, it is an actionable bill before this Committee.

CHAIRMAN LOSQUADRO:

Thank you.

LEG. FOLEY:

Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Next speaker Kevin McDonald.

MR. MC DONALD:

Good afternoon. I'll be brief. I'm Kevin McDonald. I'm with the Nature Conservancy of Long Island. And my principal request of you today is to act favorably on the resolution 1239 without development right transfers in any manner; and also recommend that should one of those pop up in the next week or so, it should be soundly defeated. And the principal reason for it is, is the conversation is just not right for the public to understand how that would work. And that's why there's isn't any environmental group that I know of that thinks it's a good idea on the merits. Even if it is a good idea, the issue is not right. And having gone through an issue similar to this in the Town of Southampton over the last year when I was with Group For The South Fork, explaining this to the public with only 90 days to an election, you will get more confusion than you will get consensus. And if I ask any of you how this plant would work, we'd all have a different answer, which speaks to the issue of it not being right. So, there's a Work Force Housing Commission that's in •• right now it's on a little high hiatus because of the summer; but let that Commission do its work, let them come up with a sound plan, let them present that plan to the Legislature. And then as you go forward in a number of capital projects and something that might come before the next election after this, you might have a very sound proposal. And everybody could say we like that; we think it's a good thing; we think on balance it helps the residents of Suffolk County. And that's the way this issue should be

handled. But not at the last minute in a confused manner because someone think it's a good idea. In spite of their best intentions, it will only cause more confusion. Let's stay clean on the issue of farmland, open space and the parks components that this bill has. We're going to have a hard enough time trying to get through the noise of this election without it being noisier because we can't explain what we're proposing.

So, with that, I'll ask you please discharge this bill today cleanly, simply, unanimously so that we can get on to do the good business of the residents of Suffolk. Thank you very much. If there are any questions, I'll happy to take them.

CHAIRMAN LOSQUADRO:

Thank you, Mr. McDonald. I don't believe there are.

LEG. SCHNEIDERMAN:

Since you asked, Kevin, and you and I have spoken about this and met. You as well I and Vivian Fisher, who's not on this Committee, serve on the Work Force Housing Commission. And we have talked at length and agree it's a complicated issue about the ability to transfer sanitary credits for affordable housing purposes at some density perhaps lower than what had existed there. And one of recommendations that seems to be coming out of that Work Force Housing Commission is that in future bonds, referendums that there would be some component to try to help accelerate the creation of affordable housing in the right prices. And I know you believe in that, too. But I guess you feel at this late stage for this referendum, it's just not •• it doesn't make any sense; is that correct?

MR. McDONALD:

That's absolutely correct. And the reason for it is, if you had to explain it to anybody that you would buy a cup of coffee from or a newspaper from, you couldn't. And because it's half •baked. It's literally a half•baked idea. It's an interesting concept. There's development right transfers in Pine Barrens •• in the Pine Barrens Act, there's development right transfers in the implementation of the Community Preservation Fund. But the public understands how they're being used in their community better than we understand how this would be used across the County. So, put aside the issue of the merits of the proposal. It's timing is bad. Let's work on it, clean it up, make it available to the public. Hold a hearing on it. Let the public understand it. If they all embrace it or enough of them embrace it, you'll have every indication to go forward. And if there's problems, we'll have to work them out. But I think from the

participation that I've had on the Work Force Housing Commission, and prior speakers have addressed this issue, I think there's a willingness on the part of the environmental community to examine how there can be an affordable housing •• a work force housing plan develop under the auspices of the County. But we're strongly resisting the notion that a work force housing project is necessarily specifically linked to predominately environmental proposition. We think that's some bad policy; because, again, if not adequately explained to anybody, you couldn't explain to anybody if you had to. And until we can, let's not pretend that •• there are times when enthusiasm to advance something could actually blow up. And this in my judgement would be one of those moments.

LEG. SCHNEIDERMAN:

Thank you.

CHAIRMAN LOSQUADRO:

Next speaker, Christine Fasano. Good afternoon.

MS. FASANO:

Good afternoon. I'm Christine Fasano with the New York Legal Conservation Voters here to talk to you principally about IR 1239. And I will be very brief both because I spoke in front of the full Legislature last week and because I'm mostly here just to reiterate the comments of Dick Amper and Kevin McDonald. Our organization and every other environmental group we've spoken with is completely in concert with their comments. We do not think now is the time to be taking up TDR's at the eleventh hour. We completely agree that it would just •• that it would risk defeat purely on, you know, just for lack of time and ability to educate the public and have them appreciate the link between affordable housing and open space. So, we already told you last week we were counting your votes. Anyone who didn't approve that CN, unfortunately that will work against you on our environmental score card. We can't •• we're not going to be rating the vote today, but we strongly urge you to pass this out of committee unanimously. And then on Tuesday to do the right thing this time and give it your approval. Thank you.

Oh, and very briefly, IR 1756, Mr. Schneiderman's bill, which would prohibit the use of CCA treated lumber, if you're going to take that up today, a very worthy environmental bill. Obviously not as significant as 1239. But we think it's an important bill. And we hope you give that your support.

CHAIRMAN LOSQUADRO:

Thank you. Next speaker Joe Gergela.

MR. GERGELA:

Good afternoon, members of the Legislature, ladies and gentlemen. I'm Joe Gergela, Executive Director of Long Island Farm Bureau. I, too, am here to speak in support of 1239; extremely important to the agricultural industry on Long Island. We have a lot of land to be preserved that's before the county committee right now. We, too, also want it to be stand alone on its own merits. I don't know if the •• my environmental colleagues know this, but for the last ten years, we have •• Farm Bureau has been trying to advance the notion of TDR's county•wide, which is a stand alone separate issue very complicated. We've been working on that specifically in local governments. Town of Riverhead incorporated it into their master plan. We haven't used it yet because we're still working on that issue as it relates to its zoning codes. TDR is a very useful, important land use tool. And it needs to be treated as a stand alone separate issue. It would be a huge mistake to even connect it in any way, shape or form to 1239. So, we agree with our colleagues in the environmental community please go forward with 1239 as it is. And we will be there to work with the Legislature, the County Health Department. And we are part of the LIA Work Place Housing Alliance. And I talked to Mitch Pally last week about this. He, too, agrees that that's a stand alone issue on its own merits. So, I thank you. And I know that you guys are going to try to move this forward.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Caracciolo, did you have a comment or ••

LEG. CARACCILOLO:

Thank you. Mr. Gergela, as both of us know, Riverhead has had a TDR program for a longtime. I don't want to critique why it perhaps hasn't worked from my perspective, but from your perspective, somebody on the ground, somebody who works with property owners, what do you think was the primary reason so far for its failure?

MR. GERGELA:

Oh, I think that it's •• it's a very complicated issue. There's a number of reasons. And it takes a town and with a lot of input to develop a program that works for a community. And in our case, you know, farmers own a lot of the land that we're talking about that rights would come

from and where would they land is the biggest issue. The biggest reason that TDR has not worked in the state predominately has been where do you land them where communities are going to accept them; because of what it does is basically shift development to certain places. And there is a lot of NIMBYism. And that's in any community. It goes along with good planning. To have a good TDR program, it's got to be understood. It's got to be accepted by the community. And it takes a lot of time to develop such a plan. Riverhead has been working on this in the form of a community coalition including the Farm Bureau, the Pine Barrens Society, the environmental counsel and a number of civic organizations because of the concerns about where they would land and where those increased densities would occur.

That's why I say to you it's extremely complicated and takes a community to work out such a program. I believe it would be completely devastating to going forward with 1239 and the implications of that for the work that we're trying to do with 1239. And that's to get open space, parkland and farmland preserved. That TDR plan needs to be set aside on its own and further discussed. And it's going to take some time. That is not a ten minute discussion.

LEG. CARACCILO:

Any other towns to your knowledge have viable TDR programs?

MR. GERGELA:

No, not towns. We have it used in the Pine Barrens as Dick mentioned earlier.

LEG. CARACCILO:

Right.

MR. GERGELA:

The only place in the country where it's really worked effectively has been in Montgomery County in Maryland. And maybe a couple of other counties. But has not worked well in the State of New York that we know of.

LEG. CARACCILO:

Thank you, Joe.

MR. GERGELA:

Riverhead's about to be the first.

LEG. CARACCILO:

And, you know, if you look at the Montgomery County, you know, I won't call it an experiment. It's a very successful program. It started out very small. And then, you know, in •• each phase, because they're now like in their fourth or fifth phase, there's really been enhanced. And I know you took a trip down there with some other people from Long Island Builder's Institute. Bob Weiboldt loves to use that as a model program. But there are lot of differences between Maryland and New York.

MR. GERGELA:

No question about it. And like I said it really is a very complicated issue. And it's going take quite ab it of time for the County to develop such a program if it's even do•able. It may be the fact that we need the Health Department to work with the municipalities to implement such a program relative to the need for work place housing.

LEG. CARACCILOLO:

Vito Minei heard you.

MR. GERGELA:

Vito's been one of our partners. He's been part of the discussions at the town level. So, he's an expert in this as anybody that there is in this room.

LEG. CARACCILOLO:

I know that •• what comes to the mind is the Wolfers property. But we won't go there now.

MR. GERGELA:

Okay.

LEG. CARACCILOLO:

Thank you, Joe.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Gergela.

MR. GERGELA:

Thank you.

CHAIRMAN LOSQUADRO:

Next speaker Chris O'Connor.

MR. O'CONNOR:

Thank you. For the record, my name is Chris O'Connor. I'm the Program Director for the Neighborhood Network. And I also serve on the Work Force Housing Commission along with Kevin McDonald. Let me echo some of the support that my fellow environmentalists have said about 1239. This is a very important piece of legislation that needs to be passed. And we're growing short on the time that it needs to be put forward. I think that having TDR's with this would be complicated as others have said. And we need to move this forward as quickly as possible.

I also would like to speak a little bit about resolution 1683, which is the East Hampton's appointment of •• for the County Planning Commission, Lisa Greci. As you noted, Chairman Losquadro, you had asked the town to pass a resolution supporting Lisa's appointment. And indeed I think you received one and members of the committee did. I do have copies if those members have not received that and passed out. And the Town Board passed with all Town Board members, both Republicans and Democrat unified in their support for Lisa to be •• to move forward on this. They think she's qualified. She _sic_ thinks she is somebody who would represent East Hampton well. And it is their opinion that this should be moved forward. And I think the Legislature should, you know, take that and weigh that greatly before themselves when they're deciding. I had not realized this point when Mr. Amper had mentioned that this would be the first time the Legislature with both Riverhead and East Hampton that he could recall is rejecting these appointments. You know, I haven't heard any reason why Lisa should be not appointed. I do know her. I have worked with her. I do know that she's a woman of integrity. And I respect her views on the environment and has been a fighter to keep Montauk in a way that does its residents proud. So, I thank you. And if there's any questions, I'll be happy to answer them.

CHAIRMAN LOSQUADRO:

Thank you, Mr. O'Connor. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman.

Mr. O'Connor, I wanted to thank you for appearing here today. It should also be reflected that

Chris was recently honored by the Amagansett Springs of Aquifer Protection Society for the great work that he and especially the Neighborhood Network has done throughout Long Island and this particular case eastern Suffolk County.

Chris, you've been involved in a number of public initiatives. Could you just give us a little bit more of the benefit of your experience particularly on the south fork of why you feel that this particular appointment by Supervisor McGintee would be of benefit not only to East Hampton, but to the Planning Commission?

MR. O'CONNOR:

Because Lisa is a person that goes after things in detail. She asks the tough questions. She goes and makes people feel uncomfortable sometimes because she's questioning things that some people don't want to answer. I mean that •• that's the nature of good accountable, responsible democracy and the nature that we have •• that we should have in our committees and in our Legislature and in our public officials. I've seen her in action. I've seen her make many people uncomfortable with her questions. But making people uncomfortable, making people aware of certain things to me is not a reason to not have that person confirmed before the Legislature.

LEG. FOLEY:

Thank you, Mr. Chairman.

CHAIRMAN LOSQUADRO:

Thank you. Okay. I have no more cards. Anyone else wish to be heard by this Committee? Seeing none, we'll close the public portion. I will make a motion to take resolution 1771 appointing member of the •• I'm sorry. That was •• well, we were going to do two. My apologies.

I will do the first one first. Mr. Kaufman was good enough to be here. **We'll do 1701 first, to take that out of order, reappointing member of the CEQ Michael Kaufman.** Motion by myself, second by Legislator Caracciolo. All those in favor? Opposed? Resolution 1701 is before us. Does anyone have •• Mr. Kaufman was good enough to be here even after a rather long ordeal he's been through. It is an appointment. You were advised you did not have to be present, but we really appreciate you being here. Does anyone have any questions for, Mr. Kaufman before we proceed?

LEG. CARACCILO:

Just one, as Mr. Isles is well aware periodically I query his office about the attendance of CEQ members as well as other committees and other directors or commission's offices. So, not having my records with me, could you just reflect on your attendance record and what was your last period of tenure?

MR. KAUFMAN:

I was reappointed five years ago, I believe, that's the normal sequence. And my term, I believe, expired in March. As to attendance, my attendance has been very regular except for the fact that I have had spinal fusion surgery on July 14th. And I was knocked out. I had blown disks in my back beginning in December. I've dragged myself out of sickbed several times to attend CEQ meetings, etcetera. I believe I've been an integral part of CEQ. But my attendance aside from physical injuries has been nearly perfect. I reserve the third Wednesday of every month, which is when CEQ meets for •• I make no appointments on that day and I'm a regular attendee, again, aside from when I'm physically incapacitated.

LEG. CARACCILO:

I'll take that at face value even though Mr. Isles was here and he would know firsthand or maybe not he, but Jim Bagg would know first hand whether or not those statements are accurate; but I'll take it at face value. Thank you, Mr. Kaufman.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Kaufman for being here. No further questions. I'll make a motion to approve.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? Thank you, Mr. Kaufman, it's unanimous. **(Approved. Vote: 5•0)**

MR. KAUFMAN:

Thank you very much.

CHAIRMAN LOSQUADRO:

Keep up the good work and dedication to the program. Thank you.

Now, we will continue. **I'll make a motion to take 1771 out of order.** Second by Legislator Caracciolo. All those in favor? Opposed? **1771 is before us.**

LEG. CARACCILO:

Mr. Chairman, the same question for the reappointee.

CHAIRMAN LOSQUADRO:

Thank you for being patient. We usually like to reserve a block of time for appointments. **This is 1771, to appoint member of County Planning Commission Charla •• not Charles •• Bolton.** This is for an at•large spot on the Planning Board. Am I to understand that correctly?

MS. BOLTON:

I'm understanding that.

CHAIRMAN LOSQUADRO:

Okay. Legislator Caracciolo.

LEG. CARACCILO:

This is an appointment, not a re•appointment. So, my last question would not be applicable. Are you related at all to Frank Bolton?

MS. BOLTON:

No.

LEG. CARACCILO:

Okay. You know who that?

MS. BOLTON:

That's your only question?

LEG. CARACCILO:

No, no, no. No, I'd like to know a little bit more about your ••

MS. BOLTON:

Okay. I don't think even know who he is.

LEG. CARACCILO:

Okay.

CHAIRMAN LOSQUADRO:

Michael Bolton?

MS. BOLTON:

That's another question. I'm not related to him either.

LEG. CARACCILOLO:

Okay. In terms of your background and what you expect to bring to the Planning Commission, could you just ••

MS. BOLTON:

Sure.

LEG. CARACCILOLO:

•• elaborate.

MS. BOLTON:

Sure. I served as a planner with the Town of Huntington Planning Department for about 30 years. My work was really diverse. I did a lot of historic preservation related work. I did a lot of housing related work. I worked on a number of major litigations. I've basically been involved with every facet of planning. I've worked on subdivisions. I've written environmental impact statements. I've reviewed environmental impact statements. My particular area of expertise was in historic preservation and archeological resources. And I reviewed SEQRA applications with respect to the potential impacts to those; but also I have written entire environmental impact statements.

I retired from the Town of Huntington in 2001. I've been employed with the Society for the Preservation of Long Island Antiquities since then. And, in fact, I've appeared several times before this Legislature with respect to among others the Scully property as you may remember. I also was subsequent to leaving the Town as planner appointed to the Town of Huntington Historic Preservation Commission, which I currently serve as Chair. That's recently. But my appointment is current and that would be one of my questions here whether that would be regarded as a conflict because that's an important function that I serve and I really would fully intend to continue that. So, if that is considered a problem in any way, I

would really like to know that.

LEG. CARACCILO:

So, the question was she currently serves as the Chair for the Huntington Historic Preservation Commission. Would it be?

MS. BOLTON:

And I'm appointed by the Town Board in that capacity. As a member of the Commission, the Commission itself votes on its chairmanship. And I'm currently the Chair. But it's just a question of whether that is •• would be regarded as a conflict in terms of an appointment to the Planning Commission.

MS. KNAPP:

The statute disqualifies anybody who's •• serves in an elected capacity. But in order to determine whether it's a conflict, I'm not familiar with the society. If you could tell the Committee a little bit more ••

MS. BOLTON:

Okay. I have two things. I'm employed by the Society for the Preservation of Long Island Antiquities. I serve as their preservation advocate. I do get involved with preservation issues throughout Long Island; and, in fact, throughout Suffolk County. As I said, I've appeared on a number of matters here. I appear in various towns when, for example, a landmark is threatened or whether there's a •• if there's a proposal for a landmark designation or historic district, I work with community groups in that capacity as part of my job as Preservation Advocate. So, that's one question.

The other question is serving on the Town of Huntington Historic Preservation Commission, which is an appointed Board of the Town of Huntington. I'm appointed by the Town Board to serve in that capacity. And our functions on that, it's a governmental function. It's a legislative function; but, in fact, we are advisory to the Town Board. We do not make the ultimate decision. And I could •• if you wish we could have more of a conversation about this, if you, you know, want more information, I can give you our ordinance. I could do, you know, all of the above.

MS. KNAPP:

If the Committee would indulge me for one cycle, it sounds as though ••

CHAIRMAN LOSQUADRO:

Sure.

MS. KNAPP:

•• if it's not •• it sounds as though they're both unpaid employment? You don't ••

MS. BOLTON:

No. The •• my job with the Society for the Preservation of Long Island Antiquities is paid employment.

MS. KNAPP:

Rather than have •• apparently what I'm understanding Ms. Bolton to say, and it may be that it's not a conflict after, you know, we get more detail about it; but she apparently represents groups that either object to subdivisions or on the basis of •• is that correct? I mean, I'm reading between the lines.

MS. BOLTON:

Quite honestly, our •• can I finish? Potentially I might get involved with subdivision applications. Our position, you know, we only get involved when a historic building is involved. And our position is more is not to object to the subdivision per se, but to try to work out a plan in which, for example, a landmark would be preserved as part of the subdivision. That's probably the best example I can give. You know, we're not •• we don't stand up and automatically oppose subdivision because there's nothing in preservation that automatically would deny a subdivision.

MS. KNAPP:

Again, it certainly is the pleasure of the Committee. The only thing I would point out is that Ms. Bolton is replacing someone who apparently stepped down because he felt that there were too many times in which he had to recuse himself. So, you know, I don't know if you want to put her in that position without •• I mean, it's entirely up to the Committee. She probably doesn't have •• but she raised it. That's the only question I have.

MS. BOLTON:

And I raised it because it's on resume and I don't want it to be an issue later on. I want it to be ••

CHAIRMAN LOSQUADRO:

Absolutely. And, Ms. Bolton, I appreciate your being candid and agreeing to provide that information to Counsel. We rely very heavily on our Legislative Counsel here to •• I apologize. Thank you, Legislator Bishop. I will agree with Counsel's request to table this for one cycle. I'm sure you will be in contact; provide that documentation to her. It doesn't •• it sounds like we can work through any possible difficulties that may arise. So, we look forward to seeing this back before us a month from now and having a positive outcome with it. So, I'll make a motion to table.

LEG. CARACCILO:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Caracciolo. All those in favor? Opposed?

LEG. BISHOP:

Opposed. On the motion, what is the nature of a conflict? Just so I understand.

CHAIRMAN LOSQUADRO:

We have •• we had a vote. We have one opposed. Motion is tabled. I will indulge Legislator Bishop. Motion is tabled for one cycle, though.

LEG. BISHOP:

Fine. Thank you for indulging me.

CHAIRMAN LOSQUADRO:

And thank you, Ms. Bolton. I appreciate it.

LEG. BISHOP:

My question is not going to be answered? Is that what ••

CHAIRMAN LOSQUADRO:

It was for Counsel, wasn't it?

LEG. BISHOP:

Yeah. No, I ••

MS. KNAPP:

I think there are two levels of conflict. And there is a conflict pursuant to our code where it's clear that somebody has an interest, usually a pecuniary interest that interferes with their ability to function. And then there are those who very •• who feel strongly that they never want to put them themselves in a position in which they can be compromised in anyway, shape or form. And I think that most •• to Ms. Bolton's credit. I think that she just wants to explore that to make sure that she's never in that position. I quite frankly share those kinds of concerns. So, that, you know, there are two different kinds of ••

LEG. BISHOP:

I still don't understand the second conflict. Where is the conflict? Between what and what? Give me a hypothetical. It doesn't have to relate to her case. I just want to understand the danger. One is personal pecuniary conflict. Clear. I understand that. And I'd know it if I saw it. And the other is nebulous. I'm trying to ••

MS. KNAPP:

The other •• the other one may be where you represent certain interests that •• that may have a stake in the outcome of something that your voting on.

LEG. BISHOP:

Okay. That's also clear. But she would know that if she came upon it. You would say •• I mean, I don't even understand where it would come from in her circumstance. But she works for the Society for the Long Island Antiquities and is going to be on the Planning Board. We feel numerous developers on the Planning Board. I wouldn't see •• where's the distinction intellectually between one or the other?

LEG. SCHNEIDERMAN:

Planning Commission ••

LEG. BISHOP:

Planning Commission, I'm sorry.

LEG. SCHNEIDERMAN:

•• is a separate issue.

MS. KNAPP:

I think all of us who •• everybody who has a job and volunteers to work on a county board very often feels the occasional moment where they may have a division. My only comment here is this Ms. Bolton has raised it. So, I think that she'd like to discuss it with someone and be assured that the number of instances in which she may have to recuse herself is minimum. And I hate to put words in her mouth because she certainly is capable of, you know, discussing it herself. And, again, this Board •• if the Commission •• if the Committee prefers to not permit that time, certainly they're free to do that.

CHAIRMAN LOSQUADRO:

And, Legislator Bishop, if I may, I've heard you in your own line of questioning in the past, asking people how often they may have to recuse themselves. And you sited that as a condition at times of whether or not you would be willing to confirm someone. I've heard you do that on several occasions.

LEG. BISHOP:

You must have a better memory of my record than I do of my own.

CHAIRMAN LOSQUADRO:

I heard you engage that very line of questioning. So, I just think this is important.

LEG. BISHOP:

I really didn't understand it. I still to this moment don't understand where the conflict is. But she raised it. I guess that's the best explanation that she feels that •• I don't see it.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Caracciolo. I'm sorry. Legislator Schneiderman did have a couple of questions. Would you be able to come back next month? Or would you like to address them now?

MS. BOLTON:

I'm happy to address them now if you have questions now.

CHAIRMAN LOSQUADRO:

That's fine. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

You have a terrific resume. I'm just curious as to why •• what are your interests in the Suffolk County Planning Commission. In terms of •• in terms of serving on Suffolk County Planning Commission, what your interests in terms of county planning are. Some I can glean from your resume. But, also, if you could elaborate.

MS. BOLTON:

I think there are several things. I would really like to •• I'm interested in comprehensive planning. I'm interested in regional planning. I'm interested in a more effective overall planning for Suffolk County. I was interested, for example, in the transferred development rights concept because I know from my own experience throughout Long Island that, you know, having so many municipalities and, you know, the whole home rule issue, I would, as I said, I'm interested in housing as •• affordable housing as an issue on Long Island. And I wanted to •• I would like to be able to participate in future planning in Suffolk County for housing among other things. You know, I can't say without really serving on the Planning Commission because I'm not. But I know, for example, when I was working for the Town of Huntington there were a number of very large zone change applications which came before the Suffolk County Planning Commission. Those are the kind of things I would like to be involved in. I just, you know, I'd like to see good planning decisions made for the County. And since I now have had some familiarity with other towns besides the Town of Huntington, it gives me really an opportunity to sort of expand my boundaries, so to speak.

LEG. SCHNEIDERMAN:

Thank you. I'm wondering, you may have to come back anyway; so, at this point I think I'll hold off on my ••

MS. BOLTON:

Okay.

LEG. SCHNEIDERMAN:

•• further questions. But I thank you for that response.

MS. BOLTON:

Sure. Okay. Thank you.

CHAIRMAN LOSQUADRO:

Thank you very much. Now, moving to the agenda. **Yes, that motion was tabled. (Vote: 4 •1•0•0. Leg. Bishop opposed.)**

Onto Tabled Resolutions, **1239, (Adopting Local Law No. 2004, a Charter Law adding Article XXXVI to the Suffolk County charter to provide a Suffolk County Open Space (SOS) and Farmland Preservation Fund.)** Motion by Legislator Caracciolo, seconded by myself. All those in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Co•sponsor.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman would like to be listed as a co•sponsor. 1239 is unanimously approved. Thank you all those who came down •• and co•sponsored by Legislator Bishop as well. Thank you for all those who came down to speak on that resolution. **(Vote: 5•0)**

Resolution 1331, adopting a Local Law, Charter Law adopting the extension of the common sense tax stabilization plan for sewers, environmental protection and County taxpayers. I believe we're going to make a motion to table that. Second by •• motion table subject to call takes precedence.

LEG. CARACCILOLO:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Caracciolo. All those in favor? Opposed? **Motion is tabled subject to call. (Vote: 5•0)**

Resolution 1402, amending 2004 Capital Program and Budget and appropriating funds for improvements to active parkland/recreation areas at Maxine Postal County Park, Town of Babylon.

LEG. CARACCILOLO:

Motion.

CHAIRMAN LOSQUADRO:

I believe there was still some questions with regarding this resolution.

MS. KNAPP:

I know that CEQ met today. I don't know whether or not this was on their agenda. It was not? Okay.

CHAIRMAN LOSQUADRO:

I've just been informed that it was not. I'll make a motion to table.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. All those in favor? Opposed? **1402 is tabled. (Vote: 5 •0)**

1403, amending the 2004 Capital Program and Budget and appropriating funds for improvements to active parkland/recreation areas at Our Lady of Grace Roman Catholic Church property within Van Bourgondien County Park, Town of Babylon.

Legislator Bishop makes a motion to table. I'll second that motion. All those in favor? Opposed? **1403 is tabled. (Vote: 5 •0)**

1518, establish Task Force to develop a Common Sense Plan to expedite Suffolk County's Land Acquisition Program and Improve Accountability in Land Transactions.

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman makes a motion to table.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? **1518 is tabled. (Vote: 5•0)**

1570, authorizing planning steps for acquisition under the new Suffolk County Drinking Water Protection Program. This is the Williams property. Mr. Isles, thank you for coming forward. I looked up and you appeared. I was just about to call you. This property was or was not on the master list? What was the ••

MR. ISLES:

It was on the master list. I did put a call into Legislator Cooper's office since our last meeting •
• your last meeting. And •• but we have not connected yet to suggest that perhaps it should be withdrawn. But we have not connected.

CHAIRMAN LOSQUADRO:

So, we'll make a motion to table. Motion to table by Legislator Bishop, second by Legislator Caracciolo. All those in favor? Opposed? **1570 is tabled. (Vote: 5•0)**

CHAIRMAN LOSQUADRO:

1658, authorizing planning steps for acquisition under the New Suffolk County Drinking Water Protection Program. This is approximately 400 parcels. By Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Let me ask the Commissioner, are you •• are you still requesting more time to review this? Two weeks ago, you were; so, I'm assuming you still are.

MR. ISLES:

Yes, I am. And as a matter of fact just to update you, I did meet with Mary Wilson from the Town of Southampton last week actually. We went over this more specifically. So, we would appreciate maybe one more cycle on this.

LEG. SCHNEIDERMAN:

Okay. Motion to table.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Schneiderman, second by Legislator O'Leary. All those in favor? Opposed? **1658 is tabled. (Vote: 5•0)**

1659, authorizing planning steps for acquisition under the Suffolk County Drinking Water Protection Program. This is the WJF Realty parcel; approximately 271 acres. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Again, Commissioner Isles, it may help to have this accurate, but I believe a deal has been reached to acquire this with the Town of Southampton.

MR. ISLES:

I understand that there are active negotiations with the State and the Town on this one. They were not a party to.

LEG. SCHNEIDERMAN:

Okay.

MR. ISLES:

However, I'll also point out that this is included in the Pine Barrens Core and it's covered under the omnibus resolution. So, we •• this would appear to be unnecessary.

LEG. SCHNEIDERMAN:

Why don't we table it for now.

MR. ISLES:

Okay.

LEG. SCHNEIDERMAN:

I'll make a motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Schneiderman, second about Legislator O'Leary. All those in

favor? Opposed? **1659 is tabled. (Vote: 5•0)**

1683 ••

LEG. CARACCILO:

Motion.

CHAIRMAN LOSQUADRO:

•• to appoint member of County Planning Commission for Lisa Greci.

LEG. CARACCILO:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Caracciolo, seconded by Legislator O'Leary.

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

Before I •• I appreciate Legislator Foley being with us today. Before I recognize him, I will just say that I did speak with Supervisor McGintee yesterday. And he said if more time was needed to reach an understanding on this. He would not be adverse to tabling it for another cycle. But if you would still like to be recognized, I certainly will.

LEG. FOLEY:

Thank you, Mr. Chairman. Thank you for discussing this with the Supervisor of the Town of East Hampton. On the last meeting, the Committee had suggested to Legislator Schneiderman that prior to any final determination by the Board, hopefully it will be a positive one, but the suggestion was given and it was received and agreed to by the Legislator to meet both with the Supervisor as well as the proposed appointee. And I would •• just wanted •• since that was discussed on the record at the last Committee meeting, I would just like to have Legislator Schneiderman assure this Committee and this particular member, that he will be meeting with the Supervisor and the appointee prior to the next committee meeting.

CHAIRMAN LOSQUADRO:

He's just checking on the date right now. But to my understanding that meeting will take

place.

LEG. SCHNEIDERMAN:

Well, we're trying to confirm a date. At least between Ms. Greci, who's present today and myself, there will be a meeting. I may meet with the Supervisor as well. Maybe all three of us will meet. But I certainly am going to meet with Ms. Greci.

LEG. FOLEY:

All right. And that's good news, Mr. Chairman. I would hope that by the next committee cycle, we'll be able to move on.

CHAIRMAN LOSQUADRO:

We're encouraging those meetings to take place.

LEG. FOLEY:

That's right.

CHAIRMAN LOSQUADRO:

Thank you. There was a motion to table by Legislator Caracciolo, seconded by Legislator O'Leary. All those in favor? Opposed? **1683 is tabled. (Vote: 5•0)**

Onto Introductory Resolutions, 1698, making a SEQRA determination in connection with the proposed restoration of building at Meadow Croft County Park.

LEG. BISHOP:

Motion.

CHAIRMAN LOSQUADRO:

Motion by Legislator Bishop, second by Legislator O'Leary.

LEG. CARACCIOLO:

What was the determination.

CHAIRMAN LOSQUADRO:

This is a Type II Action, I believe; it's listed. All those in favor? Opposed? **1698 is approved. (Vote: 5•0)**

1699, making a SEQRA determination in connection with the proposed replacement of

heating system in main house at Sagtikos Manor County Park.

LEG. CARACCIOLO:

Motion.

CHAIRMAN LOSQUADRO:

Motion by Legislator Caracciolo, second by Legislator O'Leary. All those in favor? Opposed?

1699 is approved. (Vote: 5•0)

1701 has already been addressed.

1729, authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Smoke Run Farm in Stony Brook. Do I have a motion?

LEG. O'LEARY:

Motion.

CHAIRMAN LOSQUADRO:

Motion by Legislator O'Leary. I'll second that motion for purposes of discussion. On the motion. Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Isles, was this not included in the master list.

MR. ISLES:

No, it was not included in the master list.

LEG. CARACCIOLO:

Was that an oversight or •• you know, what brings this to our attention now?

MR. ISLES:

I don't think it was an oversight. I think it was •• this is a proposal for active recreation use, which the master list primarily addressed open space and farmland. Legislator Fisher •• Viloría Fisher has been investigating this property, to my knowledge, for a few months. She has asked the Planning Department for some assistance along the way. It is under the Greenways Active

Recreation Program. We did a rating of this under the new rating form that you perused a few months ago. And we have provided a copy of that to you. The main issue we see is that this is adjacent to county land Forsythes Meadow County Park. The main issue is going to be is there a partner willing to step up to the plate. And as part of the Greenways Program, to actually run this facility, which is a horse farm. At this point we don't know that there is; but as part of the planning steps process, we could look at that further.

LEG. CARACCILO:

Okay, now. The aerial depicts some land that would be preserved but the remainder would not. But it would still be contiguous with the County preserved land, it looks like, to the west and south. So, what would happen to that •• with the remainder?

MR. ISLES:

Well, the area outlined in green, the three parcels, the two big parcels and the one small triangular parcel, four parcels •• yeah, four parcels, pardon me, are proposed under this resolution to be an active recreation use. I don't know the full details. My understanding is that the sponsor would like to operate this as a horse trainee, horse riding type facility under the Greenways program; and, therefore, a partner would be necessary such as the Town of Brookhaven or a community organization satisfactory to the Legislature. Under the Greenways program, the County would purchase the property; and the partner then takes responsibility for any kind of construction that's necessary, improvements and ongoing maintenance. It would, of course, have to be opened to all county residents if it were to go forward.

LEG. CARACCILO:

Okay. Has anyone made inquiry of the Parks Department to see if we need a location in this part of the County for equestrian use?

MR. ISLES:

Of the County Parks Department? I'm not aware that they have.

LEG. CARACCILO:

This would be for equestrian purposes?

MR. ISLES:

Yes.

LEG. CARACCILOLO:

Well, this seems to me you have to a demonstrated need before you start spending taxpayers' money to ••

CHAIRMAN LOSQUADRO:

Legislator, Caracciolo, is this ••

LEG. CARACCILOLO:

Yes?

CHAIRMAN LOSQUADRO:

Is this site currently being used as an equestrian facility?

LEG. CARACCILOLO:

I understand that. I understood that part •• aspect of this; but just trying to think in this vicinity what would be the nearest equestrian ••

MR. ISLES:

The Stony Brook •• we own a horse •• the County owns a horse farm by West Meadow Beach in Setauket.

LEG. CARACCILOLO:

Up in Old Field, right. Right, up in Old Field; right.

MR. ISLES:

Old Field, exactly; that's the one.

LEG. CARACCILOLO:

Okay, yeah. So, I mean it seems to me if you were in business, you'd first have to demonstrate a need before you start spending your money. But my question, Tom, was the •• what appears to be from the aerial open space, that's not included in these four parcels to the east and west, what becomes of that?

MR. ISLES:

Yeah, that's Forsythes Meadow County Park; at least what's to the west and south. That is for

park purposes, for open space, that cannot be used for active recreation. So, that would basically stay the way it is. This parcel, if the county were to purchase the subject parcels, may enable better access to that for hiking purposes perhaps. But other than that, it really can't be used for anything active since it was purchased with drinking water money.

LEG. CARACCILOLO:

Mr. Chairman, the only question I have is maybe we should make inquiry of Parks to determine whether or not they'd be in favor of another equestrian facility in this proximity to the other one in northern Brookhaven. That's all. So, I'd had like to make a motion to table for one cycle in answer to that question.

CHAIRMAN LOSQUADRO:

We have a motion to table.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

I have a second by Legislator O'Leary. If you could please contact the Parks Department.

MR. HRONCICH:

I'll do it.

LEG. BISHOP:

Parks is here.

LEG. CARACCILOLO:

Do you work for Parks, sir?

MR. HRONCICH:

Yes.

LEG. CARACCILOLO:

Could you come up and just tell us •• you've been here for Parks before. I'm not familiar with who you are, so perhaps ••

CHAIRMAN LOSQUADRO:

If you could introduce yourself. Just make sure that top switch is turned on.

MR. HRONCICH:

My name is Tom Hroncich. I'm the Intergovernmental Relations Coordinator from Parks. You all should have received my business card a couple of months ago from Ron Foley.

CHAIRMAN LOSQUADRO:

Yes.

MR. HRONCICH:

So, I will make sure that this is done for the next meeting.

CHAIRMAN LOSQUADRO:

Please, do. I think it's a very valid point if the County's going to be operating two facilities in close proximity. Obviously this is an equestrian facility at the moment; so, there, you know, there seems to be a usage of the parcel. But if we could just find that out and we'll get back to it at the next cycle.

MR. HRONCICH:

Sure. Will do. Thank you.

CHAIRMAN LOSQUADRO:

Motion to table, Legislator Caracciolo, second by Legislator O'Leary. All those in favor? Opposed? **1729 is tabled. (Vote: 5•0)**

1755, authorizing planning steps for the acquisition of land under Pay•As•You•Go 1/4% Taxpayer Protection Program (land of Sanford Pines in the Town of Islip). It seems like a very small parcel.

LEG. BISHOP:

Whose backyard is that?

CHAIRMAN LOSQUADRO:

Now, to my understanding there is a drainage problem associated with this parcel? But my question would be, being that local towns govern land use and have to give final approval, and I know as part of the building process a site grading approval is part of the approval process; so, if this were to cause drainage problems with other parcels or if it was unsuitable because of drainage in its only right, wouldn't the town prohibit it from being a buildable parcel?

MR. ISLES:

Not necessarily. The Town can certainly regulate the development of the property and put in certain building standards and so forth to actually prohibit the development of the property. It may be difficult for the town. The parcel does appear to meet to zoning standards in terms of lot size and so forth. This is obviously not a parcel that would typically be a County acquisition, a very small parcel like that. Legislator Lindsay's put this bill in. We have reviewed it, at least preliminarily. I'll also point out I did receive a letter from the Planning Commissioner of Islip, Mr. Murphy. And what they've indicated, what he's indicated to me is that the parcel is problematic, as you've indicated, Mr. Chairman, from a drainage standpoint. The Town is of the belief that if the property is developed, that it will have a very detrimental effect to surrounding properties. We've looked at it from two perspectives. One is that, here again, it's an atypical matter for us by •• clearly. It is, however, broader, if you look at it beyond the aerial photograph that you see before you; it does fall within the Browns River watershed. So, in one sense it has a small benefit in terms of not being developed for that purpose.

The Town has also indicated in the letter to me that they would take responsibility for management of the property because certainly we couldn't expect County Parks to go out there and clean up litter and take care of this site. But I think what we would like to pass along to you is that, yes, it is an unusual acquisition. And you're to do with that as you see fit. It is proposed under the New Drinking Water Program. What we might suggest that if you do want to go forward, that maybe it's considered under the 12 5•E Program, which is specifically money set aside for the individual non•Pine Barrens Towns; in this case the Town of Islip does have money in that account. But that's it. We did do the rating form. And, here again, these are the new rating forms. It does qualify technically under the New Drinking Water; but it didn't receive a high score. I think it received eight points.

LEG. CARACCILOLO:

Five of those eight points are the result of a yet to be agreement with another municipality.

MR. ISLES:

Right. Yeah.

LEG. CARACCILOLO:

Okay. Is this property landlocked, Tom?

MR. ISLES:

No, it is not.

LEG. CARACCILOLO:

Okay.

MR. ISLES:

It does have road access, yeah.

LEG. CARACCILOLO:

Okay.

CHAIRMAN LOSQUADRO:

All right. I think we'll have to speak with the sponsor possibly •• I know you mentioned the 12 5•E program.

MR. ISLES:

Right.

CHAIRMAN LOSQUADRO:

And also I would like to see the sponsor contact the Town. As I said, to my understanding, I know towns aren't fond of doing it because of a perception of a taking. But it's within the Town's right to •• you know, to determine that a lot because of drainage and what have you is unbuildable unless certain criteria are met. So ••

MR. ISLES:

I think for the Town to actually say it's not buildable would be very difficult and perhaps unconstitutional to do that. I can't comment specifically. Certainly you're right. The Town can put standards on it ••

CHAIRMAN LOSQUADRO:

Yeah.

MR. ISLES:

•• that it must meet a certain elevation, have a certain amount of drainage improvements to it. I think what the Town's concerned with in the letter I got from Mr. Murphy is that even with some of these extraordinary measures that could potentially be done, it's such a small parcel,

such a critical depths to ground water issue, it's very shallow, that they're concerned that there could be even with the best of designs an adverse impact to the surrounding properties. But certainly if you want me to contact Mr. Lindsay or Mr. Murphy, I could do that.

CHAIRMAN LOSQUADRO:

Please do. It's more perhaps the 12 5•E ••

LEG. SCHNEIDERMAN:

He doesn't happen to live in this neighborhood, does he?

CHAIRMAN LOSQUADRO:

Perhaps to explore the 12 5•E possibility as well. So •• I'm sorry. What was your question, Legislator Bishop?

LEG. BISHOP:

What towns have balances left in 12 5•E? I thought we're pretty much exhausted. And they're not renewing; right?

MR. ISLES:

Right. Well just about all the Towns have balances. The •• Islip has a pretty large balance. We just bought Scully, so that was four million out of theirs. So, we have 1.2 million left in Islip. Some •• the Town of •• I'll just give you the quick numbers if you want.

LEG. BISHOP:

The western towns.

MR. ISLES:

Okay. Babylon has Babylon has 2.8 million.

LEG. BISHOP:

We do?

MR. ISLES:

Huntington 2.3 million; Islip 1.3 million; Shelter Island \$62,000. And Smithtown 3.2 million.

LEG. BISHOP:

Really?

MR. ISLES:

Yes.

LEG. BISHOP:

I thought we used our 12 5•E on OBI.

MR. ISLES:

Well, this is the exact balance right now. I'm not sure if we used any at all on OBI right when I came in with the County.

MS. FISCHER:

A portion.

MR. ISLES:

A portion of it according to Laretta, yeah. This is accurate, though. It's not an estimate.

LEG. SCHNEIDERMAN:

What's 12 5•E?

MR. ISLES:

12 5•E is the old Drinking Water Program, the residual funds. The voters, I guess, in 1997 or something voted to require the distribution of those funds for land acquisitions. And there was an allocation under 12 5•E of the program for the non•Pine Barren towns, which is the amounts I just gave to you. There's also a 12 5•D program for the Pine Barren towns, which are the other five towns in the County. They also have certain balances left over from the old Drinking Water Program. All of those balances are substantially less than the balances in the 12 5•E.

LEG. SCHNEIDERMAN:

What's the balance in 12 5•E for the towns in my district? The non•Pine Barrens? The East Hampton and ••

MR. ISLES:

Right. In the Town of East Hampton and Southampton, which are considered Pine Barrens towns, East Hampton has \$22,000. And Southampton has \$1.1 million.

CHAIRMAN LOSQUADRO:

If you could •• I know I had gotten an updated list in my office. Mr. Isles, if you could send an updated list of those account balances to the members of the Committee, I'm sure they would appreciate it.

MR. ISLES:

By town, then?

CHAIRMAN LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

I'll be happy to call the supervisor and let him know he's got a \$1 million in that account.

MR. ISLES:

And just so you know, it's •• the funds must be expended within those towns. The decision to expend the funds is completely up to the Legislature. So, the Town can provide input, but it's your call as to how you want to spend it.

CHAIRMAN LOSQUADRO:

Okay, very good. Thank you. So, 1755, we have a motion to table by Legislator Caracciolo, second by Legislator O'Leary. All those in favor? Opposed? **1755 is tabled. (Vote: 5•0)**

MR. ISLES:

If I could, Mr. Chairman, just add one thing on the 12 5•D is that there was apparently a committee, here again, pre•dating my time with the County that reviewed where those monies should be spent. There are various lists out there. So, in terms of where we can go with that, I think we do have to adhere to the list, words may be modified, but I can get more information for you on that, too.

CHAIRMAN LOSQUADRO:

Please.

MR. ISLES:

Just not to mislead anybody.

CHAIRMAN LOSQUADRO:

1756, to prohibit the use of CCA treated lumber by the County of Suffolk. Legislator Schneiderman, I know you have a preference here.

LEG. SCHNEIDERMAN:

Actually, DPW has asked for another cycle to review this. So, I'll make a motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Schneiderman, seconded by myself. All those in favor? Opposed?

1756 is tabled. (Vote: 5•0)

1758, making a SEQRA determination in connection with the proposed improvements to Van Bourgondien County Park, motion by Legislator Bishop, second by Legislator Caracciolo. All those in favor? Opposed? **1758 is approved. (Vote: 5•0)**

1759, making a SEQRA determination in connection with the proposed reconstruction of CR 80, Montauk Highway from CR 46, William Floyd Parkway to Mastic Road, motion by Legislator O'Leary, seconded by myself. All those in favor? Opposed? **1759 is approved. (Vote: 5•0)**

1793, appointing a member of the County Planning Commission, Mr. Vincent Taldone. We have a motion to table by Legislator Caracciolo, second by Legislator O'Leary. All those in favor? Opposed? **1793 is tabled. (Vote 5•0)**

CHAIRMAN LOSQUADRO:

1794 authorizing planning steps for the acquisition of land under Pay•As•You•Go for the Cenacle Retreat property. Make a motion •• we have a whole packet here. The first one at the top is the Cenacle property. This is almost 45 acres. Mr. Isles.

MR. ISLES:

Okay. We have provided to you a copy of the aerial photograph and the rating sheet as well as the information sheet. This parcel we did find did comply with the new Drinking Water Protection Program. Accordingly we did rate the parcel and it did come in as a 31 based on the information available to us at this time. The parcel as you can see is partially developed with a seminary, I believe. The parcel as you can also see in the aerial photograph is marked with wetlands including the subject parcel as well as the surrounding area. What you're really looking at is the drainage basin within the Lake Ronkonkoma vicinity. This is a parcel we would recommend for approval for the new Drinking Water Program. Obviously, we would have to fine tune what part of this may be suited to for a county acquisition if there is an interested seller.

LEG. CARACCIOLO:

Mr. Isles?

MR. ISLES:

Yes.

LEG. CARACCIOLO:

The current fund balance available is a negative \$8 million?

MR. ISLES:

Yes. But that should be qualified a little bit. There's two things you should be aware of with that. Three things you should be aware of with that account balance. Number one, is it does not include funds that can be appropriated this year. There have been •• so any funds that would have to be appropriated from this year's collection of sales tax could be added to that, number one. Number two ••

LEG. CARACCIOLO:

How much money would that be?

MR. ISLES:

Ah, well, for the Open Space we typically pull in about 7 and a half million dollars a year.

LEG. CARACCIOLO:

So all of that would ••

MR. ISLES:

I think all of that. That's number one. Number two, would be a number of the •• there are several acquisitions which we've •• are either in negotiation or in contract such as the AVR Foxlair piece that we hope to finance through EFC. The Legislature has approved that. The state has approved that; but we have to make specific application each time to actually finance that. So, we have two parcels that are active, the Camelot parcel in Huntington, we hope to do the EFC and the Fox Lair properties. That will total close to \$9 million. So, we're anticipating that will happen. But until it happens, we really can't count on that. And then, thirdly, also related to EFC is that in the Drinking Water Program we are borrowing up to at least \$45 million

available under EFC; potentially 62 million. So, when you look at the negative account balance, it's, I think, going to be moderated by that. This particular resolution is a planning steps, so certainly if we were to come back to you with an authorizing resolution to acquire, we'd actually have to make sure that the funds were available. At the present time they are not.

LEG. CARACCILOLO:

Okay. Now, one of the issues that came up at the legislative meeting was have you, Planning Department and our Budget Review Office reconciled the numbers? Are we all on the same page as to fund balances?

MR. ISLES:

I believe we are. I have had conversations with Mr. Duffy. And I think the •• we both rely on the accounting unit in Real Estate in terms of status check •• checking the status of current account balances. What becomes a little bit more open is anything that's pending. And that's the hard thing to factor in. So, what I try to do is when we have •• obviously if we have an accepted offer or if we have something where we're getting ready to make an offer, I like to account for that money at least in my planning of what do we have available and so forth. So, so we have tried to coordinate to that. And I think we're pretty well matched on that at this point.

LEG. CARACCILOLO:

Okay. Where I'm going with this is simply, given what we know of the fund balances that you represented at the last committee meeting, and which now we have agreement are in fact the fund balances, and what has now been a new stream of planning steps resolutions, including and presuming that the voters were to approve 1239 in the fall, do we have enough money? Would that be sufficient amount of money to cover all these new demands?

MR. ISLES:

Well it's always hard to say with complete certainty that we have enough money for all the new demands. I believe the amount represented in 1239 will be satisfactory to get us through next year in my opinion.

LEG. CARACCILOLO:

Thank you.

CHAIRMAN LOSQUADRO:

Legislator Bishop; then Legislator Schneiderman.

LEG. BISHOP:

Has there been any consideration to affordable housing initiative combined with protecting some of the open space on this property?

MR. ISLES:

On this property?

LEG. BISHOP:

Yeah.

MR. ISLES:

Not to my knowledge, no.

LEG. BISHOP:

It would seem to me that •• there's a dormitory there; right? Or ••

MR. ISLES:

Yeah, a seminary, a dormitory.

LEG. BISHOP:

Right. So ••

MR. ISLES:

Convent, something to that effect, yeah.

LEG. BISHOP:

So, it's been developed and it's surrounded by open space. We would purchase the whole thing as open space taking away that option to do anything with the building.

MR. ISLES:

Right. I don't think we would do that, but, okay.

LEG. BISHOP:

Well, what program is it coming under?

MR. ISLES:

It's coming out of the new Drinking Water Program. We would typically contact the owner, found out if they're interested in selling; and if so, what part of the property.

LEG. BISHOP:

Planning steps, okay.

MR. ISLES:

Yeah. And if it turns out they want to sell everything, then, you're right, maybe we should consider affordable housing for part of it. Typically and I think it's an occupied facility, we would negotiate the non•developed portion of the site in some manner.

LEG. BISHOP:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman; then Caracciolo.

LEG. SCHNEIDERMAN:

Actually that largely answered my question. I wasn't sure if from what was presented if we're talking about buying •• it seems to be several buildings on the site.

MR. ISLES:

Right.

LEG. SCHNEIDERMAN:

The large building and several •• at least three or four other buildings which I assume are houses or house•type structures. There are considerable wetland areas here. I'm wondering as to •• would we be purchasing development rights and to what extent are there development rights remaining on a property like this? Would it be outright acquisition of the land?

MR. ISLES:

Typically the resolutions authorize acquisition in full or lesser interest. And as we get into the negotiations on a property, first number one is the owner interested in considering anything;

yes or no. And if they are interested, we would then define what their interest is, whether it's a full sale of the property, buildings and all, or a partial sale. And then often times we do get into •• as a matter of fact I had a discussion with real estate on another piece yesterday where the owner wants to consider a sale of a conservation easement. So, we would start to define that at this point.

I had a brief conversation with the sponsor of this resolution yesterday, on the series of resolutions. We didn't get into in depth detail on this one, but my belief of his understanding is that he seeks to •• wants to purchase or protect in a conservation easement form the undeveloped portions of this property. I don't think he's looking to buy the developed portion to my knowledge.

LEG. SCHNEIDERMAN:

Okay. Thank you.

MS. FISCHER:

Just to note, the tax map number, I •• we believe is incorrect. And it should be reviewed.

CHAIRMAN LOSQUADRO:

Very well.

LEG. SCHNEIDERMAN:

Tom, you have reason to believe that there is remaining development rights or potential on this property?

MR. ISLES:

I'm not really certain of that. It's •• it is an extraordinarily large parcel of almost 48 acres. As part of the analysis of this, we would actually try to determine that. We would contact the town and so forth. So, I think there's a reasonable chance if there is additional development potential here, especially as you get down closer to Portion Road and the shopping center. I can't say that definitively but I believe that's the case.

LEG. SCHNEIDERMAN:

Because you do deduct the wetlands areas, which look fairly extensive from that calculation.

MR. ISLES:

Well, here again, that's going to be in terms of their buildable rights, that's going to be based

on local ordinance. Does the Town of Brookhaven ordinance allow yield off of wetlands and things like that. So, we do that on a case by case basis.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Caracciolo, did you have something to add?

LEG. CARACCILOLO:

Thank you. Tom, has this property been before us in part or in whole before?

MR. ISLES:

Yes.

LEG. CARACCILOLO:

It sounds familiar.

MR. ISLES:

Yes.

LEG. CARACCILOLO:

And what happened?

MS. FISCHER:

I think it was withdrawn.

LEG. CARACCILOLO:

It was withdrawn?

MR. ISLES:

Yeah, we'll check. We'll check for you.

LEG. CARACCILOLO:

Okay. And the other question is what's to the west of the green boundary line on your map besides the fresh •• fresh water wetlands?

MR. ISLES:

There's an apartment development to the west. And the wetlands are part of that property.

LEG. CARACCILO:

Okay. So, all of that wetland and it looks like open space to the south, that's all part of that apartment complex?

MR. ISLES:

Yes, yes.

LEG. CARACCILO:

And is that in a conservation easement?

MR. ISLES:

I'm not aware that it is. And I think it's basically the development is in effect clustered or developed on the west side of the property preserving the east side of the property.

LEG. CARACCILO:

Okay. When you would •• if this resolution were to be approved, would you look to see what type of development potential that property has?

MR. ISLES:

The one next door?

LEG. CARACCILO:

Yeah.

MR. ISLES:

We normally wouldn't. If you want us to, we can.

LEG. CARACCILO:

I think that's important because first it preserves something that's proposed even though it has a seminary on it. That may be worthwhile. However, if there is development potential and suddenly we buy something that has a neighbor right on our doorsteps, what are we really preserving?

MR. ISLES:

Yeah, it's probably preserved but we can verify that.

MS. FISCHER:

Back to your other question, it was withdrawn on November 19th, 2002. It was brought to the ELAP Committee on May 14th.

CHAIRMAN LOSQUADRO:

Thank you. I think planning steps will answer many of these questions. I think the •• getting some answers to this obviously will be important to see if we're •• once it comes before us. So, I'll make a motion to approve.

LEG. CARACCILOLO:

I second the motion for now.

CHAIRMAN LOSQUADRO:

Second by Legislator Caracciolo. All those in favor? Opposed? **1794 is approved. (Vote: 5 •0)**

1795, next one in the packet, authorizing planning steps for the acquisition of land under Pay•As•You•Go (1/4% Taxpayer Protection Program), referred to as the Slowiks property. I see here at the top it says five acres, seven acres actual with a question mark. Could you explain that?

MS. FISCHER:

The actual acreage of the property is 7 acres. Five acres was in the resolution. We're not sure if they're requesting a portion of the property. It wasn't indicated in the resolution particularly.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCILOLO:

With regard to all of the resolutions that are sponsored by Legislator Caracappa, were these considered at all for master lists?

MR. ISLES:

No, we weren't aware of them at that time.

LEG. CARACCILOLO:

Okay. That was the only reason.

MR. ISLES:

Right.

MS. FISCHER:

No, and neither did they make the criteria for the new Quarter Percent Program.

LEG. CARACCILOLO:

That's interesting because the planning steps resolution would •• that we just approved would be under new Quarter Percent Program; correct? So that could be inconsistent with the goals and objectives ••

MR. ISLES:

No, the one we just approved, or the one you just approved, we feel does meet the minimum requirements of the Quarter Percent.

LEG. CARACCILOLO:

Okay. Because I'm looking for consistency. You know how I feel about that.

MR. ISLES:

Just so you know, on the first page of the rating form which is right below the information or past the information sheet, the current language of the Drinking Water protection Program that you enacted in 1999 has five major criteria. So, any acquisition must meet one of those five. They're pretty broad, but it should meet one of those five. If it meets one of those five, then we do the rating. I did speak with ••

LEG. CARACCILOLO:

On the one before us right now, there are none that meet that criteria?

MS. FISCHER:

No.

MR. ISLES:

No. The remaining parcels from what we knew at this point in time did not meet that criteria. I did speak to the sponsor yesterday and discussed with him some of our concerns that some of these were scattered parcels, smaller parcels. And I think what he indicated to me is his

concern for the over•development of this area, concern for the fact that these form a larger part of the system around Lake Ronkonkoma. And I, you know, understand and appreciate his genuine concern for the area. What I suggested is that, you know, perhaps this can be considered under Multifaceted. Perhaps it could be considered if 1239 is approved, which is the new bill, you know, some of these on the smaller lots might qualify under the Hamlet Park Program, perhaps, on smaller developments. Pardon me. Okay. And obviously that's not in place now but it's something that could happen down the road if these were to go forward.

LEG. CARACCILO:

So, we'd have to change the designation subsequently.

MR. ISLES:

Yeah. Here, again, it's your call. If you want to consider planning steps now and then change it later but ••

CHAIRMAN LOSQUADRO:

Can it be amended or can the program be changed once planning steps •• after planning steps are authorized? Counsel?

MS. KNAPP:

I think there are two options. It either could be amended in the planning step stage or if the Committee wishes to go forward with planning steps and it's inappropriate for that acquisition, then, if we move to acquisition, we can •• we can acquire it under the right program. Either or.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Commissioner Isles, you know I've spoken in the past about the need for a regional housing plan. I've talked about trying to identify smart growth type of areas on a map where we can look at where workforce housing may go in the future or some of these other smart growth concepts might happen. I don't believe that any such a study has been done. Although the Smart Growth Commission •• that report does outline certain characteristics. Some of the parcels that are in front of us now as well as the next one that's in front of us are on major highways surrounded by commercial development. I know •• obviously a lot of the Legislators

want to see more green space in their areas. And I could understand it. But we also have to look at the county as a whole and wonder where •• you know, since there's a lot of momentum toward creating multi-family housing, apartments for working people, you know, they're going to have to go somewhere. Do you have an inventory of where they might go? Are you looking at these potential acquisitions in terms of well, might they be used for another county purpose or better use? Because I'm all for preserving land; but we ought to be preserving land with, you know, with critical habitat value, with watershed protection, etcetera. There's a lot of criteria. So, if you could respond to that.

MR. ISLES:

Right. Two •• three comments.

LEG. SCHNEIDERMAN:

I get increasingly frustrated by some of these properties.

MR. ISLES:

Number one, the Workforce Housing Commission has been soliciting in trying to identify sites, soliciting towns and villages. And, in fact, we've come up with I think over 45 separate parcels and locations for possible workforce housing. So, there is a definite effort to try to find sites and develop workforce housing.

Number two, certainly along corridors where you have mixed commercial zoning, often times multiple unit housing can be very beneficial. You can set it back from the roadway. You can provide adequate set backs. You can provide •• these are often transitional locations.

LEG. SCHNEIDERMAN:

Public transportation.

MR. ISLES:

Public transportation. They're not in the middle of neighborhoods, on the edge of neighborhoods. There are often times better alternatives than another strip shopping center and so forth. So, these locations can be opportunity locations for that.

But, again, the final point is the, you know, where we do have developed portions of the county such as this part of Ronkonkoma, Lake Ronkonkoma and Farmingville, they do have very little

open space and so that becomes the final challenge. I understand the sponsor's point that it's nice preserving the core and the east end and those areas, but I think that's what the Hamlet Park Program is really oriented; that we have locations in western Suffolk where they're not environmentally significant in and of themselves. But they have community values as the last piece of open space; and perhaps we can work partnerships with the towns to maintain those facilities. I think that's what that's trying to do.

But to answer your question, you've been a consistent advocate for workforce housing. Some of these sites possibly could be conducive to that. I can't speak for the sponsor of the bill obviously. But from the planning standpoint, yeah, some of them could be •• could be an alternative to a strip commercial shopping center which would be good. As I said, we've gotten these as of last week. So, we haven't done a lot of review of these at this point in time. So, we can only comment on a very limited extent at this point.

LEG. SCHNEIDERMAN:

You know, one other aspect. When Jim Morgo appeared before the Economic Development Commission earlier, he talked about the linkage between economic development and housing, and I think it was Legislator Carpenter who also talked about how important it is if the county's going to get out of the financial hole, that we can't really tax our way out; that there's going to have to be some economic development. And it's very hard to add commercial to residential area, as you know. So, as we take away properties that are •• these may or may not be zoned commercially, but they certainly adjoin commercial development, it just seems like the opportunity sites are not going to be there when we need them, when we are trying to stimulate business within the County.

MR. ISLES:

I'm not disagreeing with that, yeah.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCILOLO:

Just a final point on this resolution we're talking about 1795 ••

CHAIRMAN LOSQUADRO:

Correct.

LEG. CARACCILO:

Okay. It's noted right on the first sheet of our criteria rating system that this property does not meet any criteria. Is that correct, Mr. Isles?

MR. ISLES:

Based on what we looked at so far, we haven't found that it meets the criteria.

LEG. CARACCILO:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. I believe the first step to any planning steps or the acquisition process is to find out if we have a willing seller.

MR. ISLES:

Right. Once the resolution's approved by the Legislature, that's one of the first things we do, yeah.

CHAIRMAN LOSQUADRO:

So, I guess at that point the sponsor will have to look to see if Hamlet Parks or another program would perhaps be a better solution to this being that it really doesn't rate under the Quarter Percent Program currently; correct?

MR. ISLES:

Right. The •• from 795 on did not qualify under the new Drinking Water, right.

LEG. CARACCILO:

The only problem I have with that approach is that that's not what these resolutions do. These resolutions go beyond request an interest on a willing seller. If there is an interest, then, the Department is charged with expending public funds for an appraisal.

MR. ISLES:

Right

LEG. CARACCILO:

And I would just say I'm not going to pass judgement for or against these parcels. I think Legislator Schneiderman and others have spoken very well about exploring these parcels for other uses. And perhaps even include in the pocket park use if 1239 meets with voter approval. I don't see what the urgency is here. We also are aware that the Town of Brookhaven has proposed a \$100 million referendum to its voters. I think we have plenty of time. I think it would behoove everybody to reach out to the town and see if we have a willing partner there. If their referendum is approved because I know they don't have much money right now. But hopefully the till will be filled very soon. And working together maybe partners like this and other approaches like some components of affordable housing being considered would win my vote over. Right now I can't support any of these remaining resolutions because they don't meet the criteria. And I have to be consistent.

LEG. SCHNEIDERMAN:

Actually that brings up a very interesting point because I know Brookhaven •• I've talked to Dan Gulizio there •• they're struggling with these same issues about, you know, the smart growth type of concepts and affordable housing as well as environmental protection. And I don't believe that they're here today. Typically they have come and supported these types of acquisitions in Brookhaven. So maybe the right thing to do is to table it to maybe hear from the sponsor, maybe hear from the Town of Brookhaven because the last thing we want to do is actually contravene. If we end up sterilizing a property that they were hoping, maybe they could meet some of these community needs with, that certainly wouldn't be a good thing. So, maybe we should wait and some get more information.

CHAIRMAN LOSQUADRO:

So, do we have a motion?

LEG. SCHNEIDERMAN:

I'll make a motion to table this one.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Schneiderman.

LEG. CARACCILO:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Caracciolo. All those in favor? Opposed? **1795 is tabled. (Vote: 5•0)**

1796•04 (authorizing planning steps for the acquisition of land under Pay•As•You •Go 1/4% Taxpayer Protection Program), again, planning steps for the Sullivan Street and Ackerly Lane Property. I have it •• I have it listed here as the Pesche property.

MR. ISLES:

Yes.

CHAIRMAN LOSQUADRO:

Some reference to the Italian name for fish there. I don't know why.

MS. FISCHER:

It's the owner.

LEG. CARACCIOLO:

That's the owner's name.

LEG. SCHNEIDERMAN:

This one is on a main highway across from a huge parking lot which •• Tom, on this one are the properties just to the west of this preserved? I see some large tracts of green space.

MR. ISLES:

I don't believe they are.

CHAIRMAN LOSQUADRO:

Diagonal.

LEG. SCHNEIDERMAN:

Yeah, catty•cornered to this ••

CHAIRMAN LOSQUADRO:

To the north west.

LEG. CARACCIOLO:

I make a motion to table. Same reason, it doesn't meet the criteria.

CHAIRMAN LOSQUADRO:

Same as the last resolution. I have a motion to table by Legislator Caracciolo, second by Legislator Schneiderman. All those in favor? Opposed? **1796 is tabled. (Vote: 5•0)**

1797, planning steps for the acquisition of the estate of Pearl Link. This totals just over one acre, I believe, Mr. Isles.

MR. ISLES:

Yeah, it's about one acre for the three lots.

LEG. SCHNEIDERMAN:

These again have houses on them, yeah?

MR. ISLES:

Yeah, we did double check the tax map number, but •• the tax lot numbers, pardon me, so that's what they show up as. Obviously I'm sure he's not suggesting purchasing three houses. So, we just •• we would probably need to clarify with the sponsor the exact location.

LEG. CARACCILOLO:

Motion to table that one.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Caracciolo, seconded by Legislator Bishop. All those in favor? Opposed? **1797 is tabled. (Vote: 5•0)**

1798, planning steps for the acquisition of Maplecrest Drive and Warren Avenue property. This, I believe, is just over six acres. Again, this one says 7.2 acres actual. This is a planning steps ••

MR. ISLES:

Yeah.

CHAIRMAN LOSQUADRO:

•• and not for the acquisition of the entire parcel again like the other one?

MS. FISCHER:

They only indicate 6.14 in the resolution, but actually the two lots equal 7.2 acres. So, again, we don't know what the intent is.

LEG. BISHOP:

Why did this get zero measly points?

MS. FISCHER:

It doesn't meet the five basic criteria. It doesn't have wetlands. It's not in a watershed of coastal stream. It's not within an SGPA. It's not determined by the Planning Department for surface or ground water quality. And is not in one of the south shore estuary PEP or Long Island Sound programs.

LEG. CARACCILOLO:

Motion to table.

MS. FISCHER:

Maybe another program that we have would be more applicable. Even for now possibly Multifaceted could be utilized in these.

MR. ISLES:

Right.

LEG. SCHNEIDERMAN:

There's no points for open space or woodlands?

CHAIRMAN LOSQUADRO:

We have a motion to table by Legislator Caracciolo, seconded by Legislator Bishop. All those in favor? Opposed? **1798 is tabled. (Vote: 5•0)**

1799, planning steps, this is for the Hawkins Avenue property point 35 acres. Again, this does not meet any criteria for this program.

MR. ISLES:

Yes.

LEG. CARACCILO:

Motion to table.

MS. FISCHER:

The name of the owner is Proios. It's spelled wrong on the map. We're sorry. It's a parking lot.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Caracciolo, seconded by Legislator Bishop. All those in favor?
Opposed? **1799 is tabled. (Vote: 5•0)**

Resolution 1800, planning steps for the Dehey property in Lake Ronkonkoma. This looks to be 1.4 acres. This also did not meet any criteria. Is that correct?

MR. ISLES:

Yes.

MS. FISCHER:

Yes.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Tabled. Vote: 5•0)**

Resolution 1807•04, implementing Greenways Programs in connection with acquisition of active parklands at Our Lady of Grace Roman Catholic Church, Town of Babylon. Motion to table by Legislator Bishop. I'll second that motion. All those in favor?
Opposed? **Resolution 1807 is tabled. (Vote: 5•0)**

If there's no other business before us •• no other business, meeting is adjourned. Thank you.

(THE MEETING CONCLUDED AT 2:58 PM)